

COMMUNITY AFFAIRS

Division Of Codes And Standards

Uniform Construction Code

Ordinary Maintenance

Proposed Amendments: N.J.A.C. 5:23-2.7

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 2006-

Calendar: See Summary below for explanation of exception to calendar requirement.

Submit written comments by: November 17, 2006 to:

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SUSAN BASS LEVIN
Commissioner

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 5:23-2.7, Ordinary Maintenance, addresses the requirement of a construction permit for the installation of a ground-fault circuit-interrupter receptacle. The code currently requires a permit and inspection for the replacement of a receptacle in a location that requires ground-fault circuit-interrupter protection. Making the replacement of a receptacle in a location that requires ground-fault circuit-interrupter protection "electrical ordinary maintenance" would eliminate these requirements. This change is timely because, as of next year, a new industry standard will require that ground-fault circuit-interrupter protected receptacles be manufactured so that they will work only when installed properly. It is the intention of the Department not to make this amendment operative until the new industry standard is in effect.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department does not anticipate the proposed amendment would have any social impact. After the new manufacturing standards of ground-fault circuit-interrupter receptacles are in effect, the replacement of an existing receptacle in a location that requires ground-fault circuit-interrupter protection would not be an activity that requires inspection in order to ensure that it would be done safely.

Economic Impact

The Department anticipates that the proposed amendment would have a positive economic impact by eliminating the need for payment of a construction permit fee when replacing a receptacle in a location that requires ground-fault circuit-interrupter protection.

Federal Standards Statement

No Federal standards analysis is required because the amendment is not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that any jobs would be created or lost as a result of the proposed amendment.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendment would have any impact on the agricultural industry.

Regulatory Flexibility Analysis

The Department expects that this proposed amendment would not impose any recordkeeping, reporting or compliance requirements on "small businesses," as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. It would be financially beneficial to them, as it would to any other entities doing such work, by eliminating the need to pay for a construction permit.

Smart Growth Impact

The Department does not expect that the proposed amendment would have any impact upon either the achievement of "smart growth" or the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

5:23-2.7 Ordinary Maintenance

(a) – (b) (No change.)

(c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1.-2. (No change.)

3. Ordinary electrical maintenance shall include:

i. The replacement of any receptacle, switch, or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item [. Replacement of], **including** receptacles in locations where ground-fault circuit interrupter protection is required [in the electrical subcode, shall not be considered ordinary electrical maintenance];

ii.-v. (No change.)

4.-6. (No change.)